

Pro Se 15 (Rev. 12/16) Complaint for Violation of Civil Rights (Non-Prisoner)

## UNITED STATES DISTRICT COURT

for the

Southern District of New York

Division

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19 CV 7724

Dr. June E. Kallos  
David E. Tash

Case No.

(to be filled in by the Clerk's Office)

## Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Benjamin J. Kallos

Jury Trial: (check one) ☒ Yes ☐ No

## Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS  
(Non-Prisoner Complaint)

## NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

**I. The Parties to This Complaint****A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Dr. June E. Kallos and David E. Tash		
Address	420 East 72nd Street apt 5K		
	NYC	NY	10021
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County			
Telephone Number	212 288 0526		
E-Mail Address	Drjkallos@gmail.com		

**B. The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

## Defendant No. 1

Name	Benjamin J. Kallos		
Job or Title <i>(if known)</i>	NY City Council Member		
Address	244 E. 93rd St.		
	NY	NY	10178
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County			
Telephone Number			
E-Mail Address <i>(if known)</i>			

☐ Individual capacity ☐ Official capacity

## Defendant No. 2

Name			
Job or Title <i>(if known)</i>			
Address			
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County			
Telephone Number			
E-Mail Address <i>(if known)</i>			

☐ Individual capacity ☐ Official capacity

## Defendant No. 3

Name \_\_\_\_\_

Job or Title (if known) \_\_\_\_\_

Address \_\_\_\_\_

City

State

Zip Code

County \_\_\_\_\_

Telephone Number \_\_\_\_\_

E-Mail Address (if known) \_\_\_\_\_

☐ Individual capacity
 ☐ Official capacity

## Defendant No. 4

Name \_\_\_\_\_

Job or Title (if known) \_\_\_\_\_

Address \_\_\_\_\_

City

State

Zip Code

County \_\_\_\_\_

Telephone Number \_\_\_\_\_

E-Mail Address (if known) \_\_\_\_\_

☐ Individual capacity
 ☐ Official capacity
**II. Basis for Jurisdiction**

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

☐ Federal officials (a *Bivens* claim)

☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials? David E. Tash was arrested based on a false report to the police and the district attorney's office when the police and DA's office knew or should have known that no laws were broken and no crime occurred.

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

### III. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. Where did the events giving rise to your claim(s) occur?  
NYC in front of City Council Office located at 244 East 93rd Street NY, NY 10128

- B. What date and approximate time did the events giving rise to your claim(s) occur?  
Mid morning on September 1, 2017

- C. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

David E. Tash was invited to monthly meeting at City Council Office on or about 8/30/17. Mr. Tash attended the meeting to inform City Councilman, Ben Kallos, the son of Dr. June Kallos that his mother was afraid of here pending surgery later that morning and wanted her son to be there in the recovery room. There is a video tape of the interaction between Ben Kallos and David Tash that illustrates that no law had been broken. The police relied on a false complaint by Ben Kallos where he lied to the police stating he had instructed Mr. Tash to stay away from all meetings conducted by him. All other allegation contained in Ben's affirmation in support were false statements sworn under penalty of perjury.

David E. Tash was arrested and taken to NY Weil Cornell NY Presbyterian Hospital.

Ben Kallos has a long history of filing unfounded charges to NY Adult Protective Services beginning on or about 2011-2019 APS stated Ben's allegations all "unfounded" and his falsehoods are his attempt

to use APS as a "tool for retaliation"

#### **IV. Injuries**

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

David E. Tash was treated for chest pains and was hospitalized for the next six days while being hand cuffed wrist and ankles to a hospital bed. The total charges for treatment was \$77,989.73 for services from 09/01/17 -09/06/19.

The defamation of character and harassment from APS resulted from at least nine cases where the agency concluded Ben was attempting to use the agency to abuse his mother with a "continuation of falsehood(s)".

Ben's recent improper and unlawful actions is his attempt to convert his mother's ownership of her Coop Apartment acting contrary to June's well-stated wishes and interest. It is clear that Benjamin is wrongfully acting under his purported Power of Attorney, and is not acting in June's best interest by attempting to transfer June's apartment to himself or a trust for his own benefit. June's belief is that she revoked his 2007 Power of Attorney in 2016 when she appointed others as her agents and these fiduciaries have all confirmed June's wish for her cooperative apartment NOT be transferred to Benjamin Kallos. The legal fees to defend against Benjamin's misconduct are significant and he must be ordered to cease and desist.

Will be attached

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#### **V. Relief**

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

In the interest of justice Benjamin should be ordered including but not limited to pay all legal fees, medical charges and punitive damages.

Will be attached

**VI. Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

**A. For Parties Without an Attorney**

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing:

Aug 2019

Signature of Plaintiff

Dr. June E. Kallos

Printed Name of Plaintiff

Dr. June E. Kallos

David E. Tash

David E. Tash

**B. For Attorneys**

Date of signing:

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

City

State

Zip Code

Telephone Number

E-mail Address

My Dear Son

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2019 AUG 16 PM 4:37

You know by far you are my favorite child and I will always love you unconditionally. I find your behavior in the past several years in regards to Elliott and me is abhorrent. Your most recent improper and unlawful attempt to transfer ownership in my coop is :

- 1) the motivating force for our need to file this Federal Case to protect ourselves from future misconduct and unlawful actions on your part
- 2) running me up many billable hours in legal fees and more importantly is harming me as I am fighting to stay alive.
- 3) despicable attempt to steal my home out from under me while I am on total life support with (eight IV medications to keep my heart beating and a machine that is doing all the breathing ) is no coincidence. Your attack upon me gives new meaning to "Kick em when their down".I am at most vulnerable and unable to defend myself. Your timing and actions are of a son who would rather see their mother die than recover. What I need to hear from you is :

Mommy please don't die without meeting your granddaughter I will stop using your granddaughter as a weapon and I promise I will let you meet her,

I AM SORRY  
PLEASE FORGIVE ME  
I LOVE YOU  
THANK YOU

I am sorry I called the police and had Elliott arrested. This was a big mistake and I apologize and want to repay you for the legal fees to defend against these bogus charges. I take full responsibility for my actions. Also I want to reimburse the additional legal fees to defend my attempt to transfer your stock to me. This was improper and unlawful and I must take full responsibility. I will be a mensch and become the loving son you deserve.

While I prefer not to file the attached in Federal Court, I will do so in three business days if I do not hear from you with a written release and promise to cease and desist any attempts to steal my home, stop harassing Elliott and me with untrue reports to Adult Protective Services, the Police and the District Attorney's Office. Please include a check for \$15,000.00 payable to Ron Fatoullah. The medical, legal and punitive damages that have arisen from your Criminal Complaints that left me without my caregiver and had Elliott in custody for more than a week is something we can work out without judicial intervention. To settle this without Federal Court intervention I would like to meet with you face to face and heal this fractured relationship.

Remember, I love you very much.....I just don't like your behaviours

M

NYC, August 16, 2019